

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Neal A. Cowe,

Plaintiff,

v.

Jayne A. Moormann, *et al.*,

Defendants.

Civil Action No.
3:18-cv-49 (PGS) (LHG)

ORDER

SHERIDAN, U.S.D.J.

This matter comes before the Court on a motion to dismiss the complaint filed by defendant A&M Diagnostics Used Auto Sales (A&M), (ECF No. 32), and defendant Jillian Wagner, (ECF No. 42); and a motion by the plaintiff to substitute the administratrix for a deceased party, (ECF No. 46). Plaintiff also filed a discovery related application. (ECF No. 47). The Court has considered the submissions of the parties and has heard oral argument. Accordingly;

For the reasons set forth on the record on November 20, 2018, and for good cause shown;

IT IS on this 26 day of November, 2018,

ORDERED that defendant A&M's motion to dismiss (ECF No. 32), is **GRANTED IN PART**; all of the claims set forth in plaintiff's complaint, with the exception of his claim for negligence, are **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that defendant Wagner's motion to dismiss (ECF No. 46), is **GRANTED IN PART**; all of the claims set forth in plaintiff's complaint, with the exception of his claim for negligence, are **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that plaintiff's discovery related application, (ECF No. 47), is **DENIED**; and it is further

ORDERED that plaintiff's motion to substitute administratrix for deceased party, (ECF No. 46), defendant Jayne A. Moormann, is **GRANTED**.

A handwritten signature in blue ink, appearing to read "Peter G. Sheridan", is written above a horizontal line.

PETER G. SHERIDAN, U.S.D.J.